

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

KOCH FOODS OF ALABAMA, LLC,
an Alabama limited liability company,

Plaintiff and Counter-
Defendant,

vs.

GENERAL ELECTRIC CAPITAL
CORPORATION, a Delaware corporation,

Defendant and Counter-
Plaintiff,

2007 DEC 18 P 4:47

CIVIL ACTION NO.
2:07 CV 522-MHT

**GENERAL ELECTRIC CAPITAL CORPORATION'S
MOTION FOR LEAVE TO FILE E-MAIL UNDER SEAL**

Defendant/Counter-Plaintiff General Electric Capital Corporation ("GE Capital") hereby moves this Court to enter an Order granting GE Capital leave to file under seal the e-mail labeled No. 939, which is a document that was previously produced to GE Capital by Plaintiff/Counter-Defendant Koch Foods of Alabama, LLC ("Koch") in the above-styled cause and is the subject of GE Capital's pending Objections to Order and Protective Order Entered by Magistrate Judge Moorer on November 15, 2007 (Doc. 33) ("Objections to Order"). GE Capital's counsel thought that Koch's counsel had previously submitted this e-mail to this Court for its *in camera* review of the same but learned yesterday that it had not been submitted to this Court (*See* Motion for Protective Order, and for Sanctions Against Counsel for General Electric Capital Corporation, filed on October 24, 2007, as Docket No. 22, ¶ 3). GE Capital believes that it would be helpful to this Court to have an unredacted version of the e-mail to review while considering the Objections to Order. GE Capital states that Federal Rule of Civil Procedure 26(b)(5)(B) mandates that such documentation be filed under seal.

Dated: December 18, 2007.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December ____, 2007, I filed the foregoing with the Clerk of the Court and served a copy of the same upon counsel of record, via U.S. Mail, postage prepaid and properly addressed as follows:

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